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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. CR 08-0237 EMC

13 Plaintiff,) STIPULATION AND [PROPOSED]

14 v.) ORDER RE-SETTING STATUS
DAVID NOSAL,) HEARING DATE

16 Defendant.)

17
18 The United States and the defendant David Nosal submit this stipulation and
19 proposed order to continue the November 3, 2011 status hearing to February 22, 2012.
20 The parties stipulate, and jointly inform the Court, as follows:

21 1. On or about February 2, 2010, the United States filed its Notice of Appeal
22 in this matter, seeking reversal of the District Court's dismissal of several counts of the
23 Superseding Indictment. At that time, the District Court vacated the trial schedule.

24 2. Oral argument before a panel of the Ninth Circuit Court of Appeals
25 regarding the United States' appeal was held on February 14, 2011. On April 28, 2011,
26 the Court of Appeals issued an opinion reversing the District Court's dismissal order.

27 3. On June 13, 2011, the defendant David Nosal filed his petition for rehearing
en banc in the Court of Appeals. The United States filed its response to that petition on

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1 July 20, 2011. On October 27, 2011, the Court of Appeals ordered that the case be
2 reheard en banc.

3 4. For these reasons, the parties jointly request that the Court **VACATE** the
4 November 3, 2011 status hearing, and re-set that hearing for February 22, 2012. If
5 proceedings terminate in the Court of Appeals before that date, the parties will contact
6 this Court's deputy clerk to schedule an appearance in the District Court forthwith.
7 SO STIPULATED.

8 | DATED: October 27, 2011

MELINDA HAAG
United States Attorney

10 _____ /s/
11 KYLE F. WALDINGER
Assistant United States Attorney

13 | DATED: October 27, 2011

/s/
STEVEN F. GRUEL
Attorney for the defendant David Nosal

[PROPOSED] ORDER

17 For the reasons stated above, the parties' joint request that the November 3, 2011
18 status hearing be vacated is GRANTED. The parties are ORDERED to appear before the
19 Court for a status hearing on February 22, 2012, at 2:30 p.m. If proceedings in the Court
20 of Appeals terminate before that date, the parties are ordered to contact this Court's
21 deputy clerk to schedule an appearance in the District Court forthwith.

23 | DATED: 10/31, 2011

